

Agriculture & Forestry Transportation Issues

**Agriculture & Forestry Awareness Study
Commission**

March 28, 2014



Topics

- **Truck Safety Inspections**
- **Contested Cases**
- **Intrastate USDOT Markings**
- **Existing Infrastructure Maintenance**



Truck Safety Inspections

- Under Federal and State law, NCSHP has the authority to stop and perform safety inspection on “Commercial Motor Vehicles”
- Most farm and forestry vehicles are considered “Commercial Motor Vehicles”
- A full safety inspection can last over an hour



Truck Safety Inspections

- Time is essential to trucks delivering logs, chips, and farm products
- Issue develops when the same vehicle is stopped for a safety inspection multiple times over a period of days or weeks
- The condition of the vehicle is unlikely to change over the course of a few weeks



Contested Cases

- **Contesting a commercial vehicle citation is established in statute:**
 - **Administrative Review**
 - **Judicial Review**



Contested Cases

- **Administrative Review:**

- Any person who denies liability for a penalty imposed by the Department may request an informal review by the Secretary of the Department or the Secretary's designee. The request must be made in writing and must contain sufficient information for the Secretary, or the Secretary's designee, to determine the specific basis upon which liability is being challenged. Upon receiving a request for informal review, the Secretary, or the Secretary's designee, shall review the record and determine whether the penalty was assessed in error. If, after reviewing the record, the Secretary, or the Secretary's designee, determines that the assessment or a portion thereof was not issued in error, the penalty must be paid within 30 days of the notice of decision.



Contested Cases

- **Judicial Review:**

- Any person who is dissatisfied with the decision of the Secretary and who has paid the penalty in full within 30 days of the notice of decision, as required by subsection (b) of this section, may, within 60 days of the decision, bring an action for refund of the penalty against the Department in the Superior Court of Wake County or in the superior court of the county in which the civil penalty was assessed. The court shall review the Secretary's decision and shall make findings of fact and conclusions of law. The hearing shall be conducted by the court without a jury. In reviewing the case, the court shall not give deference to the prior decision of the Secretary. A superior court may award attorneys' fees to a prevailing plaintiff only upon a showing of bad faith on the part of the Department, and any order for attorneys' fees must be supported by findings of fact and conclusions of law.



Contested Cases

- **Typical non-commercial vehicle citations are reviewed in District Court**
- **District Court is typically more informal and with local judges**



Intrastate USDOT Markings

- All intrastate commercial motor vehicles with a GVWR>26,000lbs are required to be marked with USDOT# and company name, effective 12/1/2012
- Previously, farm vehicles were exempt
- Federal law only requires interstate commercial vehicles with a GVWR>10,000lbs to be marked
- USDOT# allows for tracking of regulation compliance by company



Intrastate USDOT Markings

- **Farm vehicles are exempted from many of the regulations that would typically be required when operating intrastate**
- **Additional administrative burden to comply**



Existing Infrastructure Maintenance

- Adequate road infrastructure is critical to farm and forestry industry
- Vast majority of products are moved from forest and farm to markets via state roads
- Maintenance funding is critical to keeping the infrastructure viable



Existing Infrastructure Maintenance

- Adequate road infrastructure is critical to farm and forestry industry
- Vast majority of products are moved from forest and farm to markets via state roads
- Maintenance funding is critical to keeping the infrastructure viable

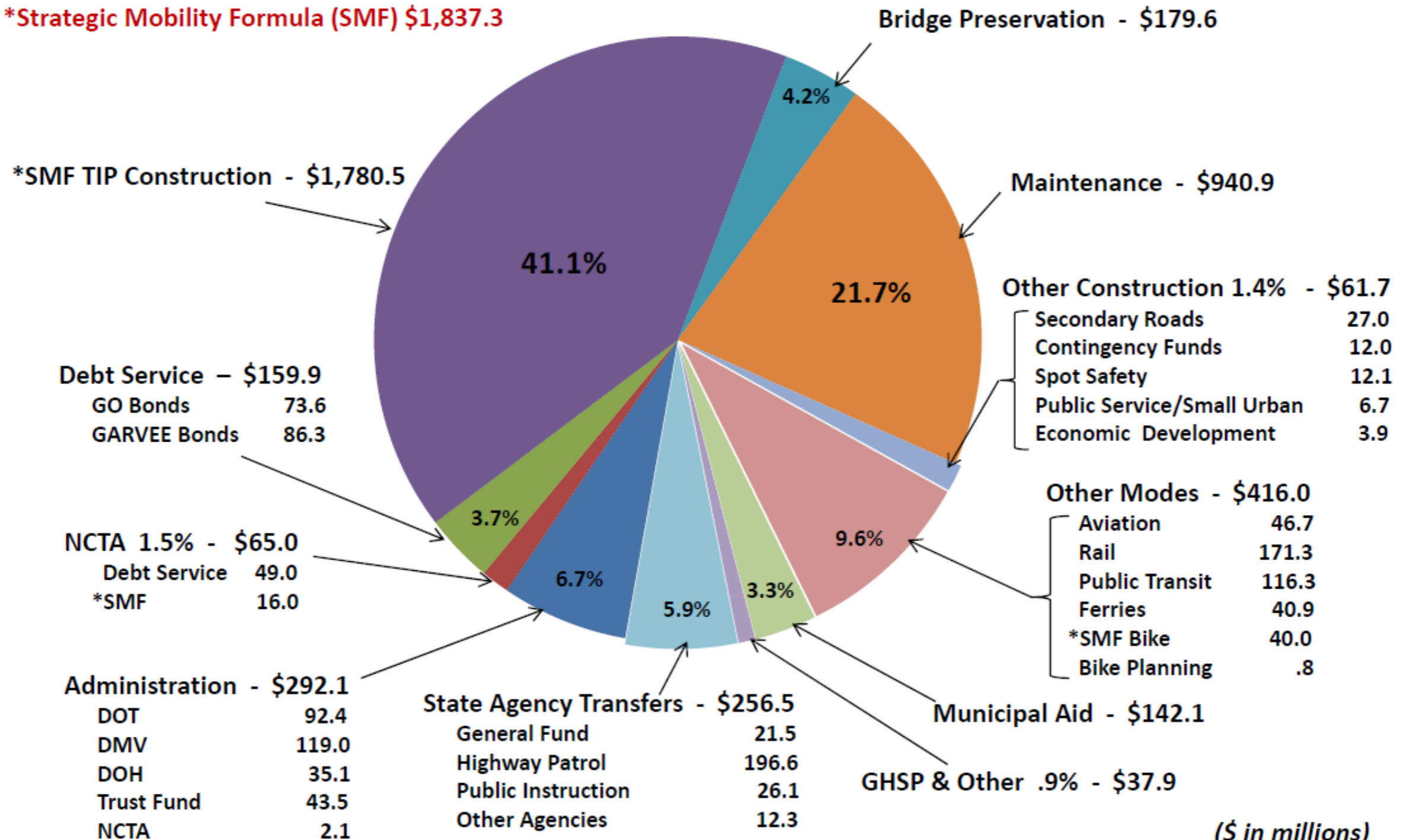


Uses of 2013-14 NCDOT Appropriations

Total Funding = \$4.3 Billion

(Excludes Receipt Supported Funding of \$0.1B)

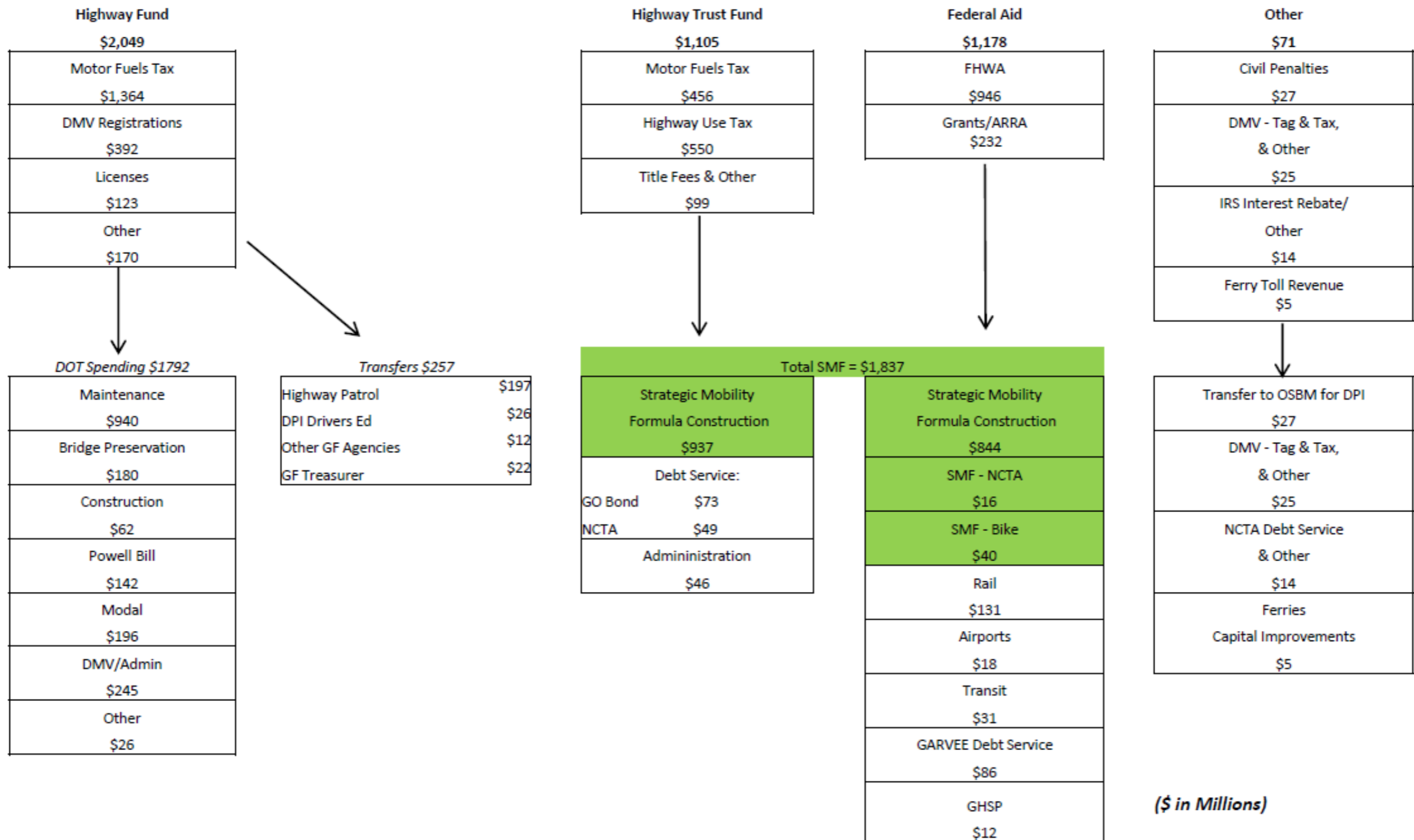
***Strategic Mobility Formula (SMF) \$1,837.3**



(\$ in millions)

2013-14 NCDOT Sources and Uses

Total Funding = \$4.4 Billion



Haulin' Ag Manual

